

AQAA
DAR COUNCIL ACTIVITY REPORT
05 February 1997

FAR/DFARS Cases Discussed:

97-004	Reform of Affirmative Action in Federal Government Procurement: Case initiated by OSD to propose amendments to FAR concerning programs for small disadvantaged business (SDB) concerns. Conforms to Department of Justice (DOJ) proposal to reform affirmative action in Federal procurement. Designed to ensure compliance with the constitutional standards established by the Supreme Court in <i>Adarand Constructors, Inc. v. Peña</i> , 115 S. Ct. 2097 (1995).	Identified DLA show stopper, i.e., lack of clarity regarding SIC codes and application to primes vs. subcontractors. OSD agreed that these should be clarified. Minor concerns will have to be clarified at proposed rule stage.
96-D028	Streamlined R&D Clause Lists: Test Oversight Committee (TOC) reviewed 24 month test results of streamlined R&D contracting procedures which began in October 1994. TOC recommended retaining procedures, with some recommended changes to DFARS. A minority report, by the case manager and member of the TOC, recommended that the streamlined procedures be discontinued. The TOC, with the support of DDR&E, prepared a rebuttal to the minority report. DAR Council agreed to allow test procedures to continue and to develop Internet capability/access for that purpose. TOC Cmte tasked to update DFARS 235.70 so that participating activities can resume using procedures. NOTE: Case 97-D002 will develop new the processes/procedures for activities contracting for R&D to use the information to be available on Internet.	Agreed to updated clause list and to final rule which continues the test program.
96-D011	Automatic Data Processing Equipment Leasing Costs: Delete language on the acquisition of automatic data processing equipment by DoD contracts. DFARS interim rule, agreed to 06/12/96, had been on hold pending publication of interim rule under FAR Case 96-010, published 12/31/96.	Agreed to interim rule.
96-025	Waiver and Release Payments: Address the allowability of waiver and release payments to workers whose employment is being involuntarily terminated.	No reclama comments received. Agreed to draft proposed rule, with minor edits.